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February 13, 2024

VIA ECF

United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
10007 New York

Re: *GEM Yield Bahamas Limited, et al. v. Mullen Technologies, Inc., et al.*;
Request to Provisionally File Documents Under Seal

To Whom It May Concern:

We are counsel for Petitioners GEM Global Yield LLC SCS and GEM Yield Bahamas Limited.¹ Pursuant to Rule 9(B) of the Court's Individual Rules of Practice in Civil Cases, we write to respectfully request permission to provisionally file under seal and redact the identified portions of the following documents that are being filed related to a new civil case filed by GEM:

- Application to Confirm and Enter Judgment on Interim Measures Arbitration Award ("the Application"): Highlighted portions that quote or refer to the exhibits identified herein, or to other potentially confidential documents in the Arbitration, as defined below.
- Petitioners' Memorandum of Law in Support of Application to Confirm and Enter Judgment on Interim Measures Arbitration Award: Highlighted portions that quote or refer to the exhibits identified herein or to other potentially confidential documents in the Arbitration, as defined below.
- Ex. 1 to Declaration of Alexander L. Cheney (Jan. 24, 2024 Interim Measures Order): The entire document.

¹ Defendants GEM Global Yield LLC SCS and GEM Yield Bahamas Limited are referred to as "GEM." Mullen Technologies, Inc. and Mullen Automotive, Inc. are referred to as "Mullen."

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- Ex. 6 to Declaration of Alexander L. Cheney (Nov. 17, 2023 Partial Final Award): The entire document.

As explained in the Application, there is a pending arbitration between GEM and Mullen captioned *GEM Yield Bahamas Limited, et al. v Mullen Technologies, Inc., et al.*, AAA Case No. 01-21-0016-7001 (the “Arbitration”). In the Arbitration, Mullen has taken the position that at least some Arbitration-related materials, including the Interim Measures Order and Partial Final Award, are confidential and cannot be publicly disclosed.

GEM therefore respectfully requests that the Court provisionally permit the under-seal filing of the above-identified and unredacted documents in order to allow Mullen an opportunity to submit a motion to permanently maintain them under seal. GEM further requests that the Court set the following briefing schedule on any such motion to seal: (1) Mullen’s motion to seal (if any) shall be due within fourteen days of the Court’s order; (2) GEM’s response thereto (if any) shall be due seven days thereafter; and (3) Mullen’s reply (if any) shall be due five days thereafter.

Respectfully submitted,


/s/ Alexander L. Cheney

Alexander L. Cheney

The Court, sitting in Part I, grants the application to provisionally file under seal the identified documents and to redact the designated portions thereof from the public filings. Further relief is to be sought from the district judge to whom this case is assigned.

SO ORDERED.

Dated: February 14, 2024



PAUL A. ENGELMAYER
United States District Judge,
sitting in Part I